IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 920 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MOHAMMAD YUSUF AHMEDBHAI SHAIKH

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 920 of 2002

MR MM TIRMIZI for Petitioner No. 1

Mr V M Pancholi, APP for Respondent No. 1

NOTICE SERVED for Respondent No. 2-3

MR DM AHUJA for Respondent No. 4

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 02/07/2003

ORAL JUDGEMENT

Leave to amend para 10 (B).

Rule. Mr V M Pancholi, learned APP appears and waives service of notice of rule for respondents No.1 to 3. Mr D M Ahuja, learned Advocate waives service of notice of rule for respondent no.4.

2. This is a petition requiring respondent no.3 to consider an application dated 14.11.2002 as well as statement of Wahidbhai Saiyed dated 11.12.2002 recorded by respondent no.3. It seems that it is the apprehension of the petitioner that the said two documents may not be considered by respondent no.3 and further action may be taken by him without considering those two documents. It seems that notice was issued to the respondents. There is no reply filed by them. After all the relief sought is only to the effect that the aforesaid two documents may be considered by respondent no.3. Looking to the nature of the relief claimed and after hearing the learned Advocates for the parties, I am of the opinion that the order sought by the petitioner appears to be an innocent one and there is no difficulty in granting the same. It is however, made clear that, naturally, the concerned officer would not be bound by the contents of the said two documents.

3. With these observations, the present petition is allowed. Respondent No.3 is directed to consider the application dated 14.11.2002 as well as the statement of Wahidbhai Saiyed dated 11.12.2002 made before respondent no.3 before initiating any action against the petitioner.

Rule is made absolute to the aforesaid extent. D.S. permitted.

2.7.2003 [D P Buch, J.]
msp